

ISSUE DATE: June 19, 1997

DOCKET NO. P-5442/NA-96-1523

DOCKET NO. P-5442, 421/M-97-523

ORDER APPROVING AGREEMENT AND REQUIRING SUBMISSION OF AN EXECUTED
INTERCONNECTION AGREEMENT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey
Joel Jacobs
Marshall Johnson
Don Storm

Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Frontier
Local Services, Inc., for a Certificate of
Authority to Provide Local Service

ISSUE DATE: June 19, 1997

DOCKET NO. P-5442/NA-96-1523

In the Matter of Frontier Local Services, Inc.,
Petition for Arbitration With US WEST
Communications, Inc.

DOCKET NO. P-5442, 421/M-97-523

ORDER APPROVING AGREEMENT AND
REQUIRING SUBMISSION OF AN
EXECUTED INTERCONNECTION
AGREEMENT

PROCEDURAL HISTORY

On November 27, 1996, Frontier Local Services, Inc., (FLSI) filed for a Certificate of Authority to provide local exchange and exchange access telecommunications services. This filing was assigned to **Docket No. P-5442/NA-96-1523**.

On February 7, 1997, FLSI filed a request for the Commission to set the terms of an interim interconnection agreement between FLSI and US WEST Communications, Inc., (USWC). This filing was also assigned to **Docket No. P-5442/NA-96-1523**.

On March 21, 1997, the Commission issued an Order granting FLSI authority to provide local exchange service.

On April 8, 1997, FLSI filed for arbitration with USWC to arbitrate the open issues arising out of the negotiation of an agreement for interconnection, unbundled elements, and resale with USWC pursuant to § 252(b)(1) of the Act. This filing was assigned to Docket No. **P-5442, 421/M-97-523**.

On April 25, 1997 in **Docket No. P-5442/NA-96-1523**, FLSI opted under § 252(i) of the Telecommunications Act of 1996 (the Act) to adopt the terms of the arbitrated agreement that the Commission had already approved between USWC and AT&T Communications of the Midwest, Inc., (AT&T).¹ Thus, FLSI abandoned its earlier request, filed on February 7, 1997, for interim authority.

¹ In the Matter of the Consolidated Petitions of AT&T Communications of the Midwest, Inc., MCImetro Access Transmission Services, Inc., and MFS Communications Company for Arbitration with US WEST Communications, Inc. Pursuant to Section 252(b) of the Federal Telecommunications Act of 1996, ORDER RESOLVING ISSUES AFTER RECONSIDERATION AND APPROVING CONTRACT, Docket No. P-442, 421/M-96-855, March 17, 1997.

On April 29, 1997, the Commission sent a notice to all interested parties requesting comments on this issue.

On May 8, 1997, the Minnesota Department of Public Service (the Department) submitted comments recommending approval of FLSI's request

On May 9, 1997, USWC submitted comments stating that USWC and FLSI had reached an agreement concerning adoption of the USWC/AT&T arbitrated agreement.

On May 15, 1997, the Department filed comments recommending that the Commission approve FLSI's proposed tariff.

On June 2, 1997, USWC filed a fully executed Agreement to Adopt Arbitrated Interconnection Agreement between USWC and Frontier.

On June 3, 1997, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. Negotiated Agreement

FLSI and USWC have agreed that FLSI should be allowed to adopt the provisions of an arbitrated interconnection agreement between USWC/AT&T.² Under their Adoption Agreement, FLSI would be allowed to select for its interconnection agreement with USWC the terms, conditions, and prices for 1) network interconnection, 2) access to unbundled network elements, 3) provision of ancillary network services, and 4) provision of retail services available for resale that are effective as the USWC/AT&T arbitrated agreement.

The Commission has reviewed the USWC/AT&T arbitrated agreement, received and considered public interest comments and taken into account the specific characteristics and operations of FLSI and USWC. The Commission concludes that it would be consistent with the public interest, convenience and necessity, relevant state law, Commission rules, and the Telecommunications Act of 1996 to apply the terms of the USWC/AT&T agreement to FLSI's interconnection with USWC.

Accordingly, the Commission will approve this agreement and direct the parties to submit a signed contract with the appropriate changes³ within 30 days from the date of issuance of this Order.

B. Petition for Arbitration: Docket No. P-5442, 421/M-97-523

On April 8, 1997, FLSI filed for arbitration with USWC to arbitrate the open issues arising out of the negotiation of an agreement for interconnection, unbundled elements, and resale with USWC pursuant to § 252(b)(1) of the Act. The filing was assigned to Docket No.

² The Commission approved the AT&T/USWC arbitrated interconnection agreement in its March 17, 1997 Order in Docket No. P-442, 421/M-96-855.

³ Appropriate changes would be those required to change the references in the USWC/AT&T interconnection agreement to refer to FLSI and USWC.

P-5442, 421/M-97-523.

The Commission finds that the agreement between FLSI and USWC approved in this Order renders FLSI's petition for arbitration moot. Hence, the Commission will simply close the docket.

ORDER

1. FLSI and USWC's Agreement to Adopt Arbitrated Interconnection Agreement is hereby approved. Copy attached and incorporated herein.
2. FLSI and USWC shall submit a signed contract interconnection agreement with the appropriate changes within 30 days of the issuance of this Order.
3. Upon the filing of an acceptable contract as required by Ordering Paragraph 2, Docket No. P-544/NA-96-1523 shall be closed.
4. Docket No. P-5442, 421/M-97-523 is hereby closed.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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